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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAY 17 1994


FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Implementation of )  
Commission's Equal ) MM Docket No. 94-34  
Employment Opportunity Rules )

**COMMENTS OF LA PAZ BROADCASTING, INC.  
(RADIO STATION WROD-AM, DAYTONA BEACH, FL.)**

On behalf of La Paz Broadcasting, Inc., Licensee of Radio Station WROD-AM at Daytona Beach, Florida, we hereby submit the attached Comments in the above-captioned proceeding. These Comments are offered to provide the Commission with some practical insight and analysis from a small-to-medium market minority broadcaster.

Respectfully submitted,  
  
**LA PAZ BROADCASTING, INC.**

By:   
Cary S. Tepper, Esq.

Its Counsel

**Meyer, Faller, Weisman  
and Rosenberg, P.C.**  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015

(202) 362-1100

May 17, 1994

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**WROD**  
**1340 am**

**THE "MUSIC OF YOUR LIFE"™**

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MAY 17 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

May 12, 1994

Mr. William F. Caton  
Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 "M" Street, Northwest  
Washington, D.C. 20554

Dear Mr. Caton and Members of the Commission:

This letters is in reference to: MM Docket # 94-34;  
Implementation of Commission's Equal Employment Opportunity  
Rules...with comments due no later than May 23, 1994.

First let me say that WROD-AM (La Paz Broadcasting) is minority owned. There is a Hispanic male as President, a White female as Secretary-Treasurer and a Hispanic female as Assistant General Sales Manager.

WROD is a stand alone AM, with an average 13 full time employees; and four part time employees.

Daytona Beach (Volusia County) has a population of approximately 374,000.

This data furnished so you can understand we are a small station in a small-to-medium market, literally a "mom and pop" operation, and I think our experiences are typical of the majority of licensees...we are not Group W, with huge staffs and virtually unlimited budgets.

No where in the criteria for accomplishing the EEO goals is a recognition that different station formats attract different applicants. Job applicants tend to go to stations that more closely parallels their own self image. WROD serves a senior community and attracts older applicants. An Urban or Hispanic station tend to attract minority candidates..and so, the FCC should recognize these relationships.

Smaller markets attract entry level applicants younger people. Based of 40 years in broadcasting and 8 years as an owner/operator I believe a young black would rather work at an "urban" station that plays "Ice Tea", rather than a Big Band Station that features "Guy Lombardo". This means Big Band and News Talk station are at a handicap when compared to ethnic or Rock stations when it comes to recruiting...but we are held to the same standard. This is not fair.

Since, traditionally, entry level jobs have the "worst" time shifts, parents of a young person don't want their child working 6pm-midnight or midnight to 6am..especially since most small stations are in out of the way locations. This is another handicap for the "little guy" broadcaster.

1...In the Notice of Inquiry, page 1, Section I, Introduction you say, in part, "The overriding goal underlying our EEO rules is to promote program diversity In addition, our EEO rules enhance access by minorities and women to increased employment opportunities...including participation in ownership."

Let us look at WROD as a microcosm: We have female and minority ownership; our format is unique to the market (defacto diversity); yet we, may or may not, still fail the technical qualifications for searching out minorities and minority retention.

Is the real goal the stated purpose or is it in the record keeping? If it is the latter, the process is so burdensome that it is counter productive to the EEO process and the functioning of a responsible broadcaster trying to meet the community needs.

2...In paragraph II..section 4..includes, in part, information on examples of recruitment sources, the number of referrals received and hired. If we only get credit for those whom we can track their source of referral, why should I hire a "walk-in" minority applicant ? Is the object of the FCC policy to hire and train minority applicants or track where they came from? At WROD we receive numerous "walk in" applicants each year; the FCC should recognize this phenomena.

At WROD we use our own "air" to advertise for employees, and three to four times a day our ID's indicate we are Equal Opportunity Employers. This should also count as a method for recruiting women and minorities.

3..In paragraph 21..EEO Rule & Policies:  
You speak to the problems of "small market" operator problems. One of the key problems is the lack of local sources and the plethora of broadcasters all canvassing the same sources. The sources get impatient and tired of 11 stations all seeking the same thing, minority applicants; and when you ask for minority applicants most say they can't discriminate In fact a counselor at Bethune-Cookman College in Daytona Beach, a predominantly Black College, sent me a white male candidate..he was good, but not what the FCC was looking for.

Volusia County, the home of Daytona Beach, doesn't have its own Urban League chapter, therefore we use the Orlando facility. On several occasions they have referred to us applicants, but none wants the commute (40 miles) or to relocate..again we are meeting your "search" rules, but aren't hiring minorities...we had the job, they didn't want it.

A "small market" broadcaster should be considered one who, either:

- a) is in a market of less than 500,000 population
- b) has a staff of 20 or less
- c) has gross revenues of less than \$750,000
- d) the minority population is less than 20%
- e) has no natural recruiting source

4...No where in the rules is any credit given for training minorities. Smaller markets have, traditionally, been the training grounds. We train them, the bigger markets, with bigger salaries hire them away.

Should a station that has spent time and money training minorities be given no credit for the effort as their tenure missed the official reporting period; or they had a gap as they lost one minority and were searching for another.

5..In paragraph 22, you ask should part time employees be eliminated? The answer is, not only should they be retained but an extra category, given full weight with "full time" should be added. This new category should be labeled, "Part time, trainee, Intern" because here is where the minority broadcasters of tomorrow will come from.

At the present time, Interns don't even show up on your reporting forms. For the past eight years WROD has trained 8 interns from the predominantly black college, Bethune-Cookman. (see attached).

Do young blacks and Hispanics want to work, full time at a "Big Band" station? No. Will they work part time while they go to school and search for better jobs? Yes. Are we helping minorities get into broadcasting..yes. Of the 11 we have trained 1 is now an attorney, another a school teacher, one is deceased, two have good jobs in larger market radio, two in tv production, and four are still with me either in training or on a part time status.

6..In our internship program a minority student is considered a success if: a)..they choose broadcasting as a career and move on upward; b) they discover broadcasting is not for them and they choose another more rewarding career

In either case they don't show up on any FCC form, but we have made a positive contribution in the life of many minority students.

If we limit our internships to only minorities, are we discriminating against white students? If our sources send us minorities, and they are all male, have we discriminated against females ? The FCC must recognize the job pool.

If a station is heavy in one minority group, should they disregard this group and only concentrate on the others ? By differentiating between Blacks, Hispanics, Women..the tendency is..we are ok in this category, ignore them and lets recruit where we are weak. Rather, we should recruit in all areas all the time. The categories tend to be self-defeating.

What do we do with self generated mailed in resumes ? Especially in small markets, every May we are inundated with about-to-be-graduates. Often we can spot the female applicants, but the rest...how do we account for them in your reports ? These resumes may fill up a folder and may be all white male applicants, and that skews the numbers (applicants received and minorities hired).

7)..In paragraph 23...doing business with minority enterprises: In small markets, especially, most broadcasters do business with their advertisers..a little quid pro quo. In smaller communities the number of black businesses are few, but most broadcasters try and do business with them as they are good referral sources.

8)..In paragraph 24...retention and promotion of women and minorities....The history of broadcasting has been upward mobility, by changing jobs and cities. With qualified minorities in demand, small stations are "raided" regularly. I know of three major broadcast groups that have scouts on the road listening to small market stations to steal talent.

Some of my friends hire only married women, whose husbands have good jobs. The theory: if the husband doesn't move neither will their female employees. This of course discriminates against single women and single mothers..but, it does solve the retention problem.

Retention is a problem for the employer, not the employee. A good woman or minority will be cherished and pampered, and promoted.

9)..Joint recruitment efforts work. Many communities have radio groups that do "ascertain the needs of community" together..recruiting is the "in" thing. Give us extra credit for trying.

10)..Paragraph 26 decrease administrative burdens. I have been working for months to find the "work force" size for my area. (Is my area my city, county, or metro? The rules are very vague).

The Census Bureau give me area population, but not work force. The Bureau of Labor Statistics doesn't break out work force figures by State. The local Florida Employment office has total work force population, but, don't break it out by sex or race.

Finally, the Census Bureau Housing & Household Economic Statistics Division did a work force survey for me, but basically this was done "by hand" and is not readily available to the average broadcaster.

If I go by pure population numbers, then in our retirement area, the female population is extra high compared to the work force as so many retired widows are in the region. What set of numbers should we be basing our calculations on ?

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By keeping a separate file on every job; who applied for it; how did you recruit for it, implies a never changing job population. There are some jobs that are stable, others aren't. i.e...we went from 5 full time dj's to two with automation; in our sales department we go from 2 to 7 depending on the applicant pool.

If I am staffing up, the records keeping problem becomes, which job am I filling ? Do I replace a job formerly held by a man with the woman, or the departed woman's job with another woman..and if I hire more than one at a time..well, you see the problem.

If you don't have a full time personnel department (and for a staff of 12, why should you) you need a system of:

- a) where did I recruit
- b) of these sources where did the applicant come from
- c) what do I do if I have an applicant that didn't come from a recruitment source, even if they are a woman or a minority

In the real world I keep contacts with various sources..I even advertise on my own air. Each hiring opportunity becomes it's own separate event. Sometimes an outstanding candidate comes along and they are hired without any advertising or recruiting. I may get an excellent employee (maybe the right sex or race, maybe not) but the decision is based on need and qualification; not, have I recruited properly.

#### A MAJOR RECOMMENDATION:

Perhaps the FCC should require each broadcaster to write a recruitment/hiring narrative each quarter describing any hiring and/or recruiting activity. This gives you a "flow" picture, rather than a static snapshot of one pay period. The writing of this narrative would make each broadcaster think through what he has done the past three months and be a constant reminder. These narratives could be submitted each year, with the annual employment report and kept in the public file. I know a narrative is harder to "grade" than a easy form you now get..but are we trying to promote minority & female hiring or make it easy for the FCC staff. p.s..this narrative should be written by the broadcaster in simple English, not by an attorney.

#### SUMMARY:

- 1..determine what geographical and population statistical boundaries you want and determine if these are available.
- 2...encourage training as much as seeking and hiring.
- 3..give extra credit for internships

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4...recognize special problems of smaller markets: limited recruiting sources; upward mobility reducing smaller market work force

5..create a narrative rather than a snap shot form for judging compliance.

6..put more emphasis on the over all effort rather on the record keeping. Currently we could be doing the job but be penalized for not documenting it.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Anthony deHaro Welch". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Anthony deHaro Welch  
President/General Manager  
La Paz Broadcasting



# Bethune-Cookman College

DAYTONA BEACH, FLORIDA 32115

MARY McLEOD BETHUNE, FOUNDER  
OSWALD P. BRONSON, SR., PRESIDENT



May 11, 1994

Anthony deHaro Welch  
President/General Manager  
WROD/AM Radio  
103 Wilder Boulevard  
P.O. Box 991  
Daytona Beach, FL 32115

Dear Tony:

I talked with Renelda Akins just this morning and he is delighted to be doing his senior internship there at WROD. Of course you know our procedures for interns for you have been accepting our interns over a period of years.

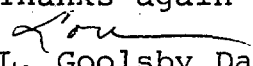
For the records, ours is an accredited program; our students are covered by insurance while interning and Renelda must complete a minimum of 240 clock hours satisfactorily if he is to receive 12 hours of academic credit for this required internship. You will receive the usual evaluation forms close to calendar deadline of June 17, 1994.

You are so special because you not only accept our interns but hire some of them. Further, you thought of us when you decided this Summer that some salary could be attached to the internship.

A quick perusal of records shows that the following persons have interned under your supervision at WROD:

Spring, 1989: Patrick Barte<sup>Lee School</sup>e; Gregory Bell — <sup>became</sup>  
Summer, 1990: Davina Randolph (now married, she and husband in Graduate School)  
Summer: 1991: Stacey Grice (Advertising, Detroit, Michigan; Teaching Counselor, Atlanta; Grad. School, Georgia State University)  
Spring: 1991: John L. Keys — <sup>WROD Employee</sup>  
Summer: 1992: Shawn S. Brown (B-CC Registrar's Office)  
Summer: 1993: Cheryl Newton (Graduate School)  
Summer: 1994: Renelda Akins?

Thanks again for all you continue to do.

  
L. Goolsby Daye  
Advisor/Director of Internship Placement  
Area of Mass Communication